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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,305	07/18/2001	Avner Yayon	YAYON 4	2798

1444 7590 11/27/2002

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EXAMINER

FORD, JOHN M

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 11/27/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/03/05

Applicant(s)

Ja You edal

Examiner

CM Ford

Group Art Unit

1624

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 5A - 89 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 5A -- 63, 65 -- 83 and 89 is/are rejected.
- ☒ Claim(s) 64, 84 and 85 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 9
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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The claims in the application is claims 58--89.

Claims 61 and 62 are rejected under 35 U.S.C. 112, 2nd paragraph. The use of "such as" "including" and e.g. are not acceptable claim form in the U.S.

1. Reference is made to the following documents:

D1: WO 98 33503 A (WHEELHOUSE RICHARD T; HURLEY LAURENCE H (US); UNIV. TEXAS (US)) 6 August 1998 (1998-08-06).

D2: WO 89 11277 A (UNIV GEORGIA; UNIV EMORY (US); SCHINAZI RAYMOND F (US)) 30 November 1989 (1989-11-30).

D3: WO 96 05862 A (OREAL; JORI GIULIO (IT); BERTOLONI GIULIO (IT); MERCHAT MICHELE (F)) 29 February 1996 (1996-02-29).

D4: WO 95 31197 A (MONSANTO CO; STERN MICHAEL KEITH (US); SALVEMINI DANIELA (US)) 23 November 1995 (1995-11-23)

D5 WHEELHOUSE R T ET AL: 'CATIONIC PORPHYRIES AS TELOMERASE INHIBITORS: THE INTERACTION OF TETRA-(N-METHYL-4-PYRIDYL) PORPHINE WITH QUADRUPLEX DNA' JOURNAL OF THE AMERICAN CHEMICAL SOCIETY, US, AMERICAN CHEMICAL SOCIETY, WASHINGTON, DC, vol. 120, no. 13, 1998, pages 3261-3262, XP002069116 ISSN: 0002-7863.

D6: WO 00 0911 A (CAUGHEY WINSLOW S; CAUHEY BYRON (US); US HEALTH (US)) 24 February 2000 (2000-02-24).

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D7: EP.-A-0 345 171 (CENTRE NAT RECH SCIENT) 6 December 1989
(1989-12-06).

D8: FR-A-2 656 866 (CIS BIO INT) 12 July 1991 (1991-07-12).

→ D1 indicates ~~+~~ charged porphyrins as telomerase inhibitors and for inhibit cell proliferation. The utility expressed in claims 60, 61 would, therefore not be unexpected. (35 U.S.C. 103).

The formula of claim 63 is a porphyrin. See example 1 of p. 14 of French patent 2,656,866 (D8). A pharmaceutical composition is a pharmaceutical composition. It is a compound plus an inert carrier. The specific use is given no weight. The composition is the same. Therefore, claims 58--63 are considered obvious (under 35 U.S.C. 103) from ref. D8 (Fr. 2,656,866).

Also, claims 58--63 and 65--79 would be considered obvious (35 U.S.C. 103) from the teachings of /EP. 345 171 (ref D7).

Claims 80--83, 86--89 are rejected under 35 U.S.C. 103 as obvious from ref. D7 or D8. Compare the formula. Compositions are obvious and the method is suggested.

Claims 64, 84, 85, if written, in independent form will be given separate consideration.

D9: DRIAF K ET AL: 'GLYCOSYLATED CATIONIC PORPHYRINS AS
POTENTIAL AGENTS CANCER PHOTOTHERAPY' TETRAHEDRON

LETTERS, NL, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, vol.

34, no. 6, 5 February 1993 (1993-02-05), pages 1027-1030, XP000345130 ISSN:

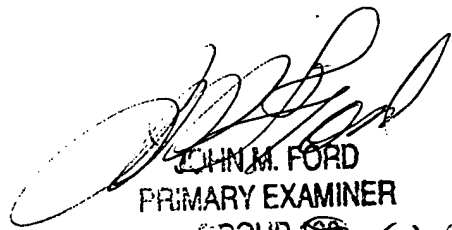
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0040-4039.

D1 claims cationic porphyrins falling into the general formula of the present application as telomerase inhibitors and for inhibiting cell proliferation (claim 58 et seq.).

D4 claims pharmaceutical compositions comprising cationic porphyrins and methods of treating various diseases e.g. cancer.

D5 similar to D1 discloses cationic porphyrins as telomerase inhibitors having antitumor activity.


JOHN M. FORD
PRIMARY EXAMINER
GROUP ~~20~~ 1624

John M. Ford

November 25, 2002